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32 UNITED STATES DISTRICT COURT

33 NORTHERN DISTRICT OF CALIFORNIA

34 SAN JOSE DIVISION

35 HOME DIAGNOSTICS, INC.,
36 a Delaware corporation,

37 Plaintiff,

38 v.

39 LIFESCAN, INC.,, a California corporation,

40 Defendant.

41 LIFESCAN, INC., a California corporation,

42 Counterclaimant

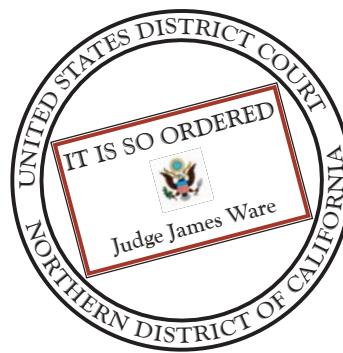
43 v.

44 HOME DIAGNOSTICS, INC., a Delaware
45 corporation,

46 Counter-Defendant.

47 CASE NO. C 01-20725 JW (PVT) (ADR)

48 **STIPULATION AND ORDER RE
49 DISMISSAL OF ACTION WITH
50 PREJUDICE**



Defendant and Counterclaimant LifeScan, Inc. (“LifeScan”) and Plaintiff and Counter-Defendant Home Diagnostics, Inc. (“HDI”) hereby stipulate, through their respective attorneys, that this action shall be and is dismissed with prejudice in its entirety. LifeScan and HDI further stipulate that each party shall bear its own costs and attorneys’ fees.

By his signature below, Scott R. Mosko certifies he has authority from Joseph Lucci to file this pleading.

Dated: June 1, 2005

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By: _____ /s/
Joseph Lucci

Attorneys for Defendant and Counterclaimant
LIFESCAN, INC.

Dated: June 1, 2005

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____ /s/
Scott R. Mosko

Attorneys for Plaintiff and Counter-Defendant
HOME DIAGNOSTICS, INC.

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore,

IT IS SO ORDERED.

Dated: 6/2/05

/s/ James Ware
Honorable James Ware
UNITED STATES DISTRICT JUDGE